REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Applicants initially wish to thank Examiner Befumo for the courtesy and assistance she extended during the recent telephonic interview with Applicants' representative on April 20, 2004.

Claims 1-39 are currently pending in the present application, including independent claims 1, 15, and 25. Independent claim 1, for instance, is directed to a flexible laminate structure comprising a first substrate containing a thermoplastic polymer and a second substrate containing a thermoplastic polymer. At least one of the substrates is substantially impermeable to liquids but substantially permeable to gases. Further, as discussed in the interview, claim 1 has been amended to require that each substrate is textured and possesses elevations and depressions, the depressions being fused together to form fused portions and the elevations forming unfused portions. When textured in this manner, a functional material may be deposited such that they reside substantially in the elevations of the substrates. (See e.g., Fig. 1C; Fig. 4; and Appl. p. 21). Claim 1 also requires that the unfused portions define elongated pockets that contain discrete regions of a functional material selected from the group consisting of particles, liquids, and combinations thereof. The pockets have an approximate width to height ratio of less than about 10.

In the Office Action, independent claims 1, 15, and 25 were rejected under 35 U.S.C. §102(b) and/or §103(a) in view of U.S. Patent No. 4,892,535 to Bjornberg, et al. Applicants respectfully submit that, however, that independent claims 1, 15, and 25

patentably define over Bjornberg, et al. For example, as discussed in the recent interview, Bjornberg, et al. fails to disclose a laminate wherein each substrate is textured and possesses elevations and depressions, the depressions being fused together to form fused portions and the elevations forming unfused portions.

Instead, Bjornberg, et al. is directed to incontinence pads formed by laminating a liquid-impervious back sheet to a liquid pervious cover sheet. Pockets are formed in the cover sheet, while the back sheet remains substantially flat. Bjornberg, et al. emphasizes the importance of this particular pad construction, noting the following:

> In short, the materials of the back sheet 3, the absorbent bodies 4 and the cover sheet 7 can all be conventional; it is their arrangement and relationship to each other, as well as the method and apparatus for their assembly, that patentably characterize the present invention. (Col. 4, ll. 51-56).

During the interview, the Examiner suggested that the substantially flat back sheet of Bjornberg, et al. would "bulge out" to some degree upon the addition of particles, and thus result in a substrate that is textured and possesses elevations and depressions. However, even if such "bulging" did occur, one of ordinary skill in the art would not recognize such a structure as a "textured substrate" having elevations and depressions. For example, one embodiment of the present invention involves bonding substrates together with a roll having protrusions. (See e.g., Fig. 4). The areas at the protrusions are fused together to form textured substrates with elevations and depressions, wherein particles are substantially contained within the unfused elevations. Contrary to particles merely "bulging out", such bonding generally requires a certain level of heat and pressure to mold and shape the substrates into a textured form. Upon cooling, the textured substrate would retain its textured form. On the other hand, a

"substantially flat" sheet that only bulges upon contact with particles is not "textured" as understood in the art – i.e., it does not possess a textured form in the absence of such particles. Thus, Applicants respectfully submit that any "bulging out" of the substrate to the presence of particles simply is not a "textured substrate" based on its ordinary meaning to those skilled in the art. Thus, for at least these reasons, Applicants respectfully submit that independent claims 1, 15, and 25 patentably define over Bjornberg, et al.

Further, in the Office Action, independent claims 1, 15, and 25 were also rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,938,650 to Baer, et al. Baer, et al. is directed to an absorbent core for absorbing liquids. Baer, et al. fails to teach several aspects of the present claims. For instance, independent claims 1 and 15 require that at least one of the substrates is "impermeable to liquids but permeable to gases." Such "breathable" substrates may provide a variety of benefits to the resulting laminate structure, including allowing gases to enter or escape the pockets, while simultaneously restricting the flow of fluids therethrough. Applicants respectfully submit that Baer, et al. does not disclose or suggest using such a material in a flexible laminate structure. Specifically, the upper layer of the absorbent core in Baer, et al. is porous to liquids. (Col. 3, ll. 25-27). The other layer may be identical or similar to the upper layer, or it may comprise a nonporous continuous film or a nonwoven fabric laminated to an outwardly facing film. (Col. 3, ll. 27-31). Thus, for at least these reasons, Applicants respectfully submit independent claims 1 and 15 patentably define over Baer, et al.

In addition, independent method claim 25 requires a specific deposition technique for the functional material that is nowhere disclosed or suggested by Baer, et

al. Specifically, claim 25 requires the depositing of a functional material onto the first substrate in discrete regions, wherein a suctional force is used to facilitate the positioning of the functional material in discrete regions. For example, in one embodiment of the present invention, as shown in Fig. 4, a vacuum roll 33 may apply a suctional force to discrete areas of the lower surface of the substrate 12 to better control the positioning of the functional material 28 within a discrete region of the substrate 12. To the contrary, the deposition technique contemplated by Baer, et al. involves "uniformly depositing" the SAP onto the lower layer 12. (Col. 3, ll. 57-62; Fig. 1). Such a technique would simply not achieve the same level of discreteness as a deposition technique that utilizes a suctional force to facilitate the positioning of the functional material, and thus, would result in a less efficient usage of the functional material. For at least this reason, as well as those set forth above, Applicants submit that independent claim 25 patentably defines over Baer, et al.

Applicants emphasize that the teachings of reference(s) must be viewed in their entirety, i.e., as a whole, to sustain a *prima facie* case of obviousness under 35 U.S.C. §103(a). In addition, the differences between a particular claim and the cited reference(s) cannot be viewed in a vacuum. Instead, the entire claimed invention must be considered as a whole. Applicants respectfully submit that, when properly viewed as a whole, there is simply no motivation to modify the cited reference(s) in an attempt to render obvious the claims 1, 15, and 25.

In addition, the above-cited references were also cited alone and/or in various combinations to reject dependent claims 2-14, 16-24, and 26-39. Applicants respectfully submit, however, that at least for the reasons indicated above relating to

corresponding independent claims 1, 15, and 25, claims 2-14, 16-24, and 26-39 patentably define over the references cited. However, Applicants also note that the patentability of dependent claims 2-14, 16-24, and 26-39 does not necessarily hinge on the patentability of independent claims 1, 15, and 25. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentably of claims 1, 15, and 25.

As such, for at least the reasons set forth above, Applicants respectfully submit that the present claims patentably define over all of the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Befumo is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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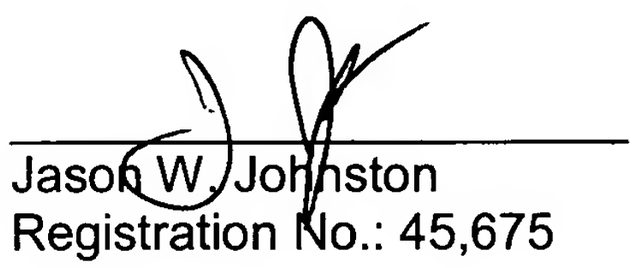

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